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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,052	10/27/2003	Alex Samsel		6003

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Donald W. Meeker
924 East Ocean Front #E
Newport Beach, CA 92661

EXAMINER

VANTERPOOL, LESTER L

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,052

Applicant(s)

SAMSEL ET AL.

Examiner

Lester L. Vanterpool

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6 and 7 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 103

Examiner notes applicant is evoking 35 U.S.C. 112 6th paragraph in claim 1, page 16, line 2. Applicant recites "means for" securing the wallet in the casing, ...

Examiner notes applicant is evoking 35 U.S.C. 112 6th paragraph in claim 1, page 16, line 4. Applicant recites "means for" grasping the kickstand support to insert the wallet into and remove the wallet from the casing...

Examiner notes applicant is evoking 35 U.S.C. 112 6th paragraph in claim 1, page 16, line 13. Applicant recites "means for" grasping the kickstand support to insert the kickstand support into and remove the kickstand support from the casing.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Consiglio et al., (U.S. Patent Number 5503420) in view of Middlemiss et al., (U.S. Patent Number 6184788) in view of Rassamni (U.S. Patent Number 5918554) in view of Porter (U.S. Patent Number 4202445) and in view of Maranell et al., (U.S. Patent Number 4474387). Consiglio discloses the casing (20) comprising two planar casing surfaces (column 4, lines 8 – 18) (See Figures 1 & 2) each capable of fitting behind a standard motorcycle license plate (See Figure 17), the planar casing surfaces (See Figures 1 & 2) positioned apart by the distance sufficiently wide to form the receiving space (38) between the two planar casing (See Figures 1 & 2) (See Figure 6) and top (28) and bottom (32) interconnecting edge between the two planar casings (column 4, line 14 – 15) (See Figures 1 & 2) to form the storage compartment (50) with the first elongated opening (54) along one side edge (See Figures 1 & 2).

Consiglio also discloses the pair of mating spaced openings (90) formed through both of the planar casings surfaces (See Figures 2 & 3), the openings (90) spaced apart

(See Figure 2 & 3) a sufficient distance to align with and receive the pair of screws (88) See Figure 1) to attach the standard motorcycle license plate to the motorcycle (See Figure 17) so that the casing (20) is capable of being mounted behind the standard motorcycle license plate in a concealed position behind the standard plate (column 5, line 1 – 7) (See Figure 17).

However, Consiglio et al., does not disclose the second elongated opening along an opposing side edge of the casing.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the second elongated opening along an opposing side edge of the casing, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

However, Consiglio do not also disclose the two-part paper storage “wallet” comprising two planar “wallet” faces pivotally interconnected along a mating edge of the two planar “wallet” faces, the two planar “wallet faces capable of folding over each other.

Middlemiss et al., teaches the two-part paper storage “wallet” (2) (See Figure 4) comprising two planar “wallet” faces (3 & 5) pivotally (column 4, line 31 – 33) interconnected along the mating edge of the two planar “wallet” faces (3 & 5), the two planar “wallet faces (3 & 5) capable of folding over each other (See Figures 1, 2 & 6) for the purpose of providing a protective covered interior.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the two-part paper storage wallet comprising two planar wallet faces pivotally interconnected along the mating edge of the two planar wallet faces, the two planar wallet faces capable of folding over each other as taught by Middlemiss et al., with the hidden storage compartment device of Consiglio et al., in order to enhance and protect storage capabilities of personal items.

However, Consiglio et al., does not disclose the edge protrusion between the two planar “wallet” faces in the closed position to form an enclosed water-tight container capable of storing at least one piece of paper folded up inside the enclosed container.

Rassamni teaches the edge protrusion between the two planar wallet faces (12 & 16) in the closed position (See Figure 1) to form an enclosed water-tight container (10) (See Figure 1), capable of storing at least one piece of paper folded up inside (column 3, lines 61 – 62) (See Figure 2) the enclosed container (10) for the purpose of providing outdoor weather protection.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the edge protrusion between the two planar “wallet” faces in the closed position to form an enclosed water-tight container capable of storing at least one piece of paper folded up inside the enclosed container as taught by Rassamni with the hidden storage compartment device of Consiglio et al., in order to enhance protection of personal stored items from outdoor weather conditions such as rain and sun damage.

However, Consiglio et al., does not disclose the “wallet” being capable of insertion within the first elongated opening on one side of the casing, the “wallet” and the casing further comprising mating means to secure the “wallet” in the casing, the “wallet” further comprising a “wallet” outer edge capable of covering the first opening of the casing, the “wallet” outer edge having means to grasp the kickstand support to insert the “wallet” into and remove the “wallet” from the casing.

Porter teaches the wallet (7) being capable of insertion within the first elongated opening on one side of the casing (1) (column 2, lines 47 – 49) (See Figure 2), the wallet (7) and the casing (1) further comprising mating means to secure the wallet (7) in the casing (1) (column 2, lines 58 – 68) (See Figure 4), the wallet further comprising the wallet (7) outer edge (11) capable of covering the first opening of the casing (1) (See Figures 1 & 2), the wallet (7) outer edge (11) having means to grasp (See Figure 1) the kickstand support to insert the wallet (7) into and remove the wallet (7) from the casing (1) (See Figure 1) for the purpose of providing slidable capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the “wallet” being capable of insertion within the first elongated opening on one side of the casing, the “wallet” and the casing further comprising mating means to secure the “wallet” in the casing, the “wallet” further comprising a “wallet” outer edge capable of covering the first opening of the casing, the “wallet” outer edge having means to grasp the kickstand support to insert the “wallet” into and remove the “wallet” from the casing as taught by Porter with the hidden storage

compartment device of Consiglio et al., in order to enhance adequate security and prevent stored personal items from being misplaced while the motorcycle is in motion.

Consiglio et al., also discloses the kickstand support (52) comprising the flat planar support surfaces (See Figures 2 & 8) capable of supporting the bottom end of the motorcycle kickstand resting on the soft surface (See Abstract), the kickstand support (52) outer edge having the means to grasp (84) the kickstand support to insert the kickstand support (52) into and remove the kickstand support (52) from the casing (20) (See Figure 2).

However, Consiglio et al., do not disclose the flat planar support surface having protrusion to prevent movement of the kickstand across the flat planar support surface, the kickstand support structured to fit within the second elongated opening on the other side of the casing, the kickstand support further comprising support outer end capable of covering the second opening of the casing.

Maranell et al., teaches the flat planar support surface (20) have protruding means (28) to prevent movement of the kickstand (50) across the flat planar support surface (20) (See Figures 1, 2 & 6) for the purpose of providing an anchor.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the flat planar support surface have protruding means to prevent movement of the kickstand across the flat planar support surface as taught by Maranell et al., with the hidden storage compartment device of Consiglio et al., in order to enhance reliable anchoring and prevent the motorcycle from falling.

Consiglio et al., discloses the kickstand support structure (52) to fit within the elongated opening (54) (column 4, lines 30 – 38) (See Figure 2). In addition, Consiglio et al., discloses the second elongated opening (38). Furthermore, Consiglio et al., also discloses the kickstand support (52) further comprising support outer end capable of covering the opening (54) of the casing (20) (See Figure 2).

However, Consiglio et al., does not disclose the second elongated opening on the other side of the casing and the kickstand support further comprising support outer end capable of covering the second opening of the casing.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the kickstand support structured to fit within the second elongated opening on the other side of the casing and the kickstand support further comprising support outer end capable of covering the second opening of the casing, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 6 as stated above, Middlemiss et al., discloses the “wallet” (7) is formed of molded plastic (column 4, lines 50 – 52) and the mating edge comprises the living hinge (column 4, lines 30 – 32) (See Figure 2) for the purpose of providing inexpensive material for the purpose of durable and expensive products.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the wallet formed of molded plastic and the mating edge comprising the living hinge as taught by Middlemiss et al., with the hidden storage

device of Consiglio et al., in order to provide reliable durable product with inexpensive materials.

Examiner notes applicant is evoking 35 U.S.C. 112 6th paragraph in claim 7, page 18, line 1. Applicant recites “means for” preventing movement of the kickstand across the flat planar support surface...

Regarding claim 7 as stated above, Maranell et al., discloses the protruding means (28) to prevent movement of the kickstand (50) across the flat planar support surfaces (20) comprises the pair of ridges protruding (38) from the flat planar surface (20) with one of the pair positioned at an angle (38) relative to the other (28) to form the stop the kickstand (50) to prevent the kickstand (50) from horizontal movement over the flat planar support surfaces (20) of the kickstand support (10) (column 3, lines 56 – 68 & column 4, lines 1 – 16) for the purpose of providing central and reliable anchoring capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the protruding means to prevent movement of the kickstand across the flat planar support surfaces comprises the pair of ridges protruding from the flat planar surface with one of the pair positioned at an angle relative to the other to form the stop the kickstand to prevent the kickstand from horizontal movement over the flat planar support surfaces of the kickstand support as taught by Maranell et

al., with the hidden storage device of Consiglio et al., in order to enhance accurate and reliable anchoring and prevent motorcycle and kickstand movement.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Consiglio et al., (U.S. Patent Number 5503420) in view of Middlemiss et al., (U.S. Patent Number 6184788) in view of Rassamni (U.S. Patent Number 5918554) in view of Porter (U.S. Patent Number 4202445) and in view of Maranell et al., (U.S. Patent Number 4474387) as applied to claim 1 above, and further in view of Krokos et al., (U.S. Patent Number 4182062). Consiglio et al., Middlemiss et al., Rassamni, Porter and Maranell et al., disclose the invention substantially as claimed.

However, Consiglio et al., Middlemiss et al., Rassamni, Porter and Maranell et al., do not disclose the mating spaced openings of the casing are positioned adjacent to the bottom edge of the casing and further comprising the protruding track ridge between the two planar casing surfaces aligned with the tops of the mating spaced openings, the protruding track ridge defining the bottom edge of an interior of the casing to maintain any contents of the casing above the mating spaced openings.

Krokos et al., discloses the mating spaced openings (20, 22, 46 and 48) of the casing (10) are positioned adjacent to the bottom edge of the casing (10) (See Figure 3) and further comprising the protruding track ridge (32) (See Figure 3) between the two planar casing surfaces aligned with the tops of the mating spaced openings (20, 22, 46 & 48), the protruding track ridge (32) defining the bottom edge (See Figure 3) of an

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interior or the casing (10) (See Figure 3) to maintain any contents of the casing above the mating spaced openings (20, 22, 46 & 48) for the purpose of providing durable security and anchoring.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the mating spaced openings of the casing are positioned adjacent to the bottom edge of the casing and further comprising the protruding track ridge between the two planar casing surfaces aligned with the tops of the mating spaced openings, the protruding track ridge defining the bottom edge of an interior or the casing to maintain any contents of the casing above the mating spaced openings as taught by Krokos et al., with the hidden storage device of Consiglio et al., in order to enhance anchoring alignment and durability.

Allowable Subject Matter

5. Claims 3, 4, 5 & 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JES F. PASCUA
PRIMARY EXAMINER

LLV
May 25, 2006